

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, January 14, 2014
J.P. Courtroom, County Service Center
126 W. 5th Street
Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant may have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 – Election of Officers

Item 2 (Page 1) – Introduce Docket and advise public who the Applicants are.

Docket BA3-14-01 (Anderson): The Applicant proposes to change the use of an existing auto repair facility to a car sales lot, and requests Variances from the following Sections of the Cochise County Zoning Regulations; 1804.06.F.3 (Minimum Driveway Width); and 1804.07.C.1 (Substitution of gravel for DBST in driveways and parking areas). The subject parcel, 106-16-039, is located at 86 E. Redwing Drive, in Huachuca City, AZ.

Applicant: Ms. Heather Anderson

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of Applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Call for Planning Director's Report

Call to the Public

ADJOURNMENT



COCHISE COUNTY **COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

TO: Board of Adjustment, District 3

FROM: Peter Gardner, Planner I

For: Beverly Wilson, Planning Director

SUBJECT: Draft Minutes of the Regular Meeting of September 10, 2013

DATE: September 12, 2013

Members Present:

Paul Brick, Chairman
Shawn Wales, Vice-Chair
Helen Barnard, Member

Staff Present:

Peter Gardner, Planner I

Others Present:

Gary Miller - Applicant

These minutes for the BA3 meeting held on September 10, 2013 are complete only when accompanied by the memoranda for said meeting dated September, 2013.

Call to Order / Roll Call:

Chairman Paul Brick called the meeting to order at 6:30 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that all members of the Board were present and that as such, a quorum was established and business could proceed.

Ms. Barnard made a motion to approve the minutes of the July 9, 2013 regular meeting. Chairman Brick seconded the motion, and the vote was 2-0 to approve the minutes of the January 8, 2013 meeting, with Mr. Wales abstaining.

NEW BUSINESS

Docket BA3-13-04 (Quail Ridge): The Applicant proposes to add 52 RV spaces to an existing 176 space RV and Manufactured Home Park, and requests Variances from the following Sections of the Cochise County Zoning Regulations: 1203.02.B (Minimum Setbacks); 1812.05 (Site coverage); 1812.10 (Curbs, gutters, and sidewalks); 1812.06 (Screening); 1812.12 (Landscaping); 1812.15 (Percentage of RV spaces in a Manufactured Home Park); and 1804.07.C.1 (Substitution of gravel for DBST).

The subject parcels, 106-06-023B, 106-06-014C, and 106-06-014D, are located at 2207 N. Yucca Drive, in Huachuca City.

Chairman Brick called for the Planning Director's presentation of the Docket. Mr. Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variances. Mr. Gardner explained that the request was to legitimize conditions that had existed without issue for decades. He concluded by offering factors in favor and against approval.

Chairman Brick invited The Applicant to speak. Mr. Miller explained the existing conditions and how long they had existed. He noted that there had been issues in the park to date, and that the requested Variances fit in with the existing neighborhood.

Chairman Brick declared the Public Hearing open, but there being no one wishing to speak, he closed the Public Hearing and called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Ms. Barnard made a motion to grant this application for the Variances citing the factors in favor. Mr. Wales seconded the motion and called for a vote. There was no further discussion.

The vote was 3-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report, informing the Board that there were no Dockets for the next month. The proposed Zoning Regulations changes were discussed as well.

Ms. Barnard made a motion to adjourn. Mr. Wales seconded, and the meeting was adjourned at 6:53 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner I
FOR: Beverly Wilson, Planning Director
SUBJECT: Docket BA3-14-01 (Anderson)
DATE: December 30, 2013 for the January 14, 2014 Meeting

APPLICATION FOR VARIANCES

Docket BA3-14-01 (Anderson): The Applicant proposes to change the use of an existing auto repair facility to a car sales lot, and requests Variances from the following Sections of the Cochise County Zoning Regulations; 1804.06.F.3 (Minimum Driveway Width); and 1804.07.C.1 (Substitution of gravel for DBST in driveways and parking areas). The subject parcel, 106-16-039, is located at 86 E. Redwing Drive, in Huachuca City, AZ. The Applicant is Heather Anderson.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 16.64-acres
Zoning: GB (General Business)
Growth Area: Category B (Community Growth Area)
Plan Designation: Developing
Area Plan: None
Existing Uses: Auto repair facility
Proposed Uses: Automotive sales lot

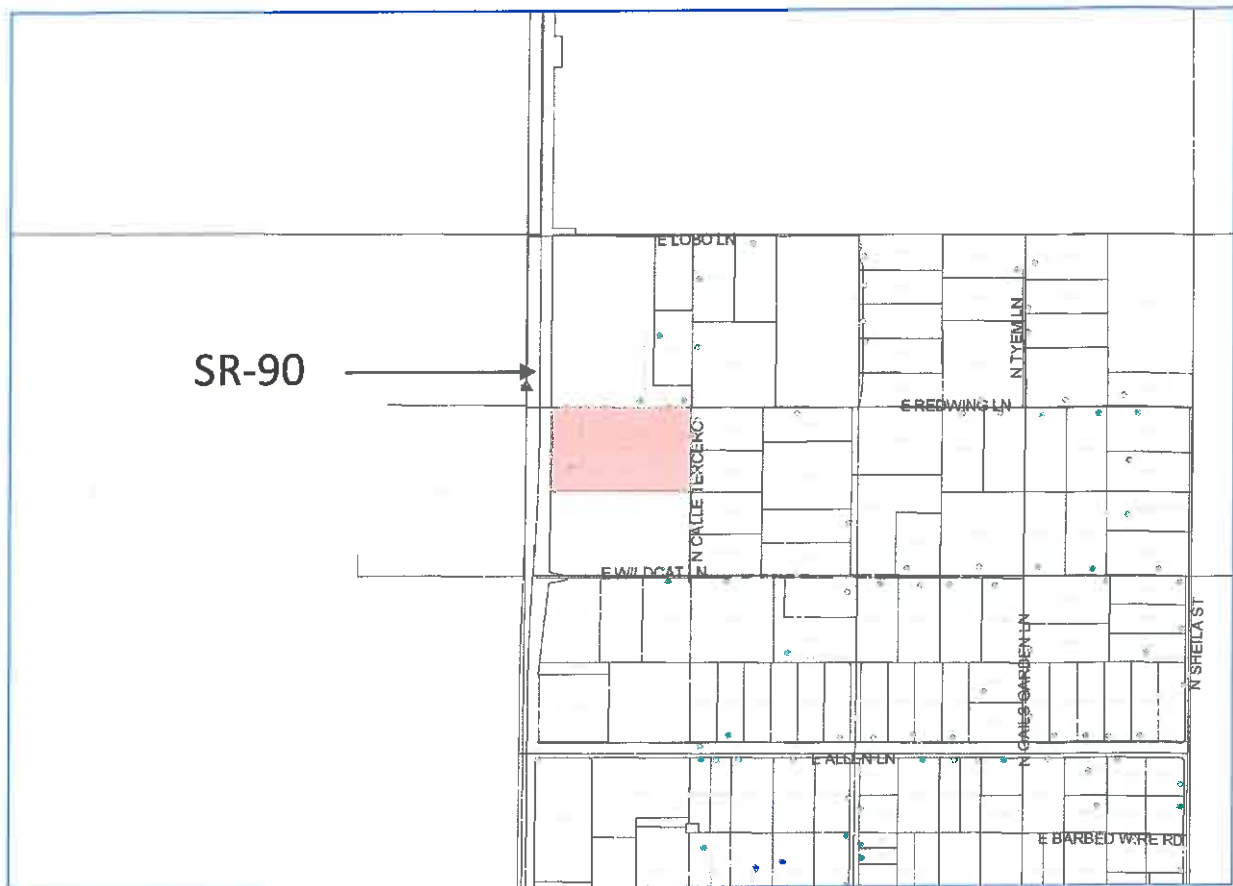
Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	Non-Maintained Road/GB	E. Redwing Drive/Single Family Residential
South	GB	Vacant Lane
East	Non-Maintained Road/RU-4	N. Calle Tercero/Single Family Residential
West	State Highway/RU-4	N. Highway 90/Ranch Land

II. SITE HISTORY

- In 2006 a permit was issued to erect a Factory Built Building.
- In 2007 a permit was issued to establish an Auto Repair Facility.

- In 2013 permits to place two sheds and change the use to an Auto Sales Lot were issued, with conditions pending the current Variance request.



Above: Location Map

III. PROJECT DESCRIPTION

The Applicant proposes to use the site to store and sell classic automobiles and airstream style trailers. The Applicant is proposing to use the existing 16-foot wide gravel driveway in place of the required 24-foot wide double-bituminous surface treatment (chip-seal) driveway.

IV. ANALYSIS OF IMPACTS

The current proposal, while considered an Auto Sales Lot under the zoning regulations is not what most people would picture as such a use. It is not proposed to include rows of dozens of vehicles with the possibility of hundreds of trips per day. For a more conventional sales lot a full width, two way, improved surface driveway would be a necessity to safely accommodate the number of vehicles passing in and out of the site. In this case, Staff's position is that the existing driveway will safely and adequately handle the expected volume of traffic generated by the specialized nature of the operation.



Above: View of the existing driveway, with Factory Built Building visible in the background. Below: View of existing parking area and garage.



V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on December 19, 2013 and published a legal notice in the *Bisbee Observer* on the same date. To date, the Department has received no responses.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variance would not substantially impact neighboring properties;
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more “business and customer friendly.” Allowing the Variances would reinforce this effort; and
3. The existing driveway is in good condition and may safely accommodate the expected traffic for this specific use.

Factor Against Approving the Variances

1. If the use expands into a more traditional auto sales lot, the driveway may be inadequate.

VII. RECOMMENDATIONS

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **conditional approval** of the Variances as requested.

Sample Motion: Mr. Chair, I move to approve Docket BA3-13-04, granting the Variances as requested by the Applicant, with the condition that prior to any expansion of the use Staff re-evaluate the driveway for traffic concerns, the Factors in Favor of approval constituting the Findings of Fact.

VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT Three

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3

to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 106-16-039-05
2. Address of parcel: 86 E. Redwing Dr. Huachuca
City, AZ. 85616
3. Area of Parcel (to nearest tenth of an acre): 1.90
4. Zoning District designation of Parcel: GB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

Current use is Automotive Repair Facility.
6,000 SF Steel Building (see site plan)

6. Describe all proposed uses or structures, which are to be placed on the property.

Proposed use is Auto Sales
2- 12' x 32' "Weather King" Portable Storage Sheds (see site plan)

7. State the specific nature of the variance or variances sought.

Cochise County P&Z Article #1804.07: Request Variance to Allow
2" gravel instead of DBST on driveway and non-handicap
Parking spaces.

5A

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

Planning and Zoning Article 1804.07 Section B:
Because I & E easement is gravel, I request a
variance to allow a 2" gravel driveway and
parking area. Estimates for DBST are well in excess
of my budget as a new small business owner.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

The nearest residential property is approximately 1/2 mile
away and the entire area, with the exception of
Highway 90, is accessed by dirt roads.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

Ever After Ranch Motors/Heather Anderson 170 S. Apache Powder Rd.
Saint David, AZ. 85430

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

[Signature]

816 E. Redwing, Huachuca City, AZ 85616 12-3-13

APPLICANT'S PHONE NUMBER

520-404-1975

APPLICANT'S EMAIL ADDRESS

hidabackintime@aol.com

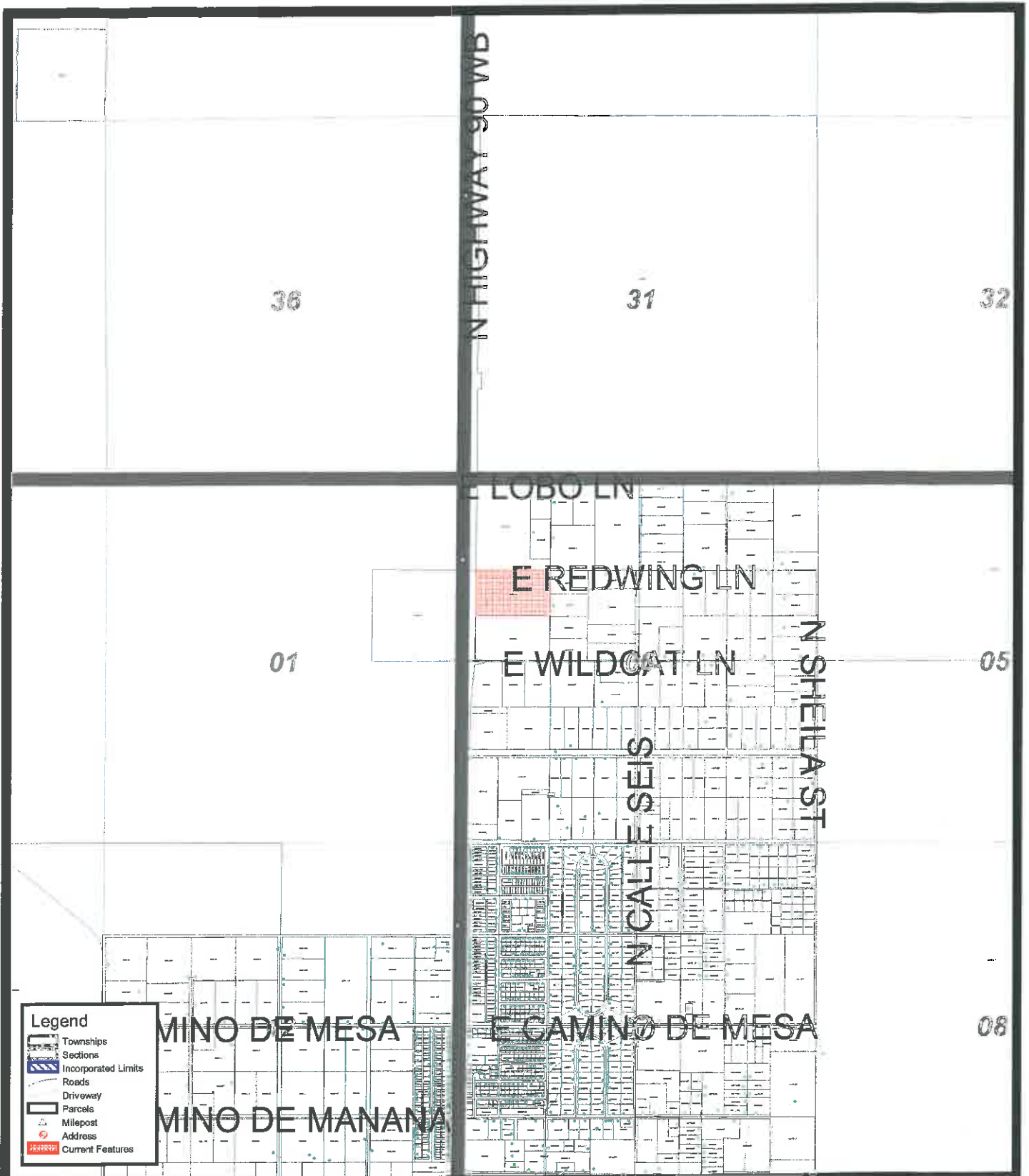
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.



Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Current Features



BA3-14-01 (Anderson)

This map is a product of the Cochise County GIS

8 ↑ B

0' 1" = 2000'

REDWING LAKE
(ASPHALT) RIGHT OF WAY: 24' 0"

30' GRAVEL

DRIVE
INTEGRATED EASEMENT

14" WATER

SSUEC
Y-FAH

UG. ELEC.
SW

P 12'x32'

STORAGE SHED 25'

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2" GRAVEL
DRAINAGE

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(DIRT)

402' 44"

10' WATER EASEMENT

330.00 FT.

SLIDING 6'

ENT. GATE

28' 0"

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ROCK
LANDSCAPING

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EX. FIELD 8' 10"

SEPTIC FIELD

LEACH FIELD

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330.00 FT. 58' 59" 43" W

140'

200'

140'

31' 19' 50'

128'

128'

STATE HWY 90 (ASPHALT) 65 MPH

9C

ZONE C-B-GEN. BUS.

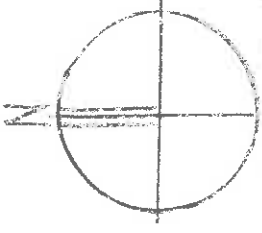
SITE AREA: 82,000 SQ. FT.
(1.905 ACRES)

PARCEL NO: 106-16-039-05

LEGAL DESC.: SEE ATTACHED

NO WASHES WITHIN 300'

(A) - EXTERIOR LIGHT



SCALE: 1" = 50'